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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

In re A.P., a Minor.

CARLA O.,

Petitioner and Respondent,

v.

JOSE P.,

Objector and Appellant.

F073211

(Super. Ct. No. BAT-15-003047)

OPINION

THE COURT*

APPEAL from an order of the Superior Court of Kern County. John L. Fielder, Judge.

Valerie Lankford, under appointment by the Court of Appeal, for Objector and Appellant.

No appearance for Plaintiff and Respondent.

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* Before Kane, Acting P.J., Detjen, J. and Franson, J.

Jose P. (father) appealed from an order terminating his parental rights pursuant to Family Code section 7822, subdivision (a)¹ (abandonment of a child) as to his now four-year-old daughter A.P. After reviewing the juvenile court record, father's court-appointed counsel informed this court she could find no arguable issues to raise on father's behalf. This court granted father leave to personally file a letter setting forth a good cause showing that an arguable issue of reversible error exists. (*In re Phoenix H.* (2009) 47 Cal.4th 835, 844 (*Phoenix H.*.)

Father submitted a letter in which he stated he wants to be part of A.P.'s life and does not want his parental rights terminated.

We conclude father failed to address the termination order or set forth a good cause showing that any arguable issue of reversible error arose from the termination hearing. (*Phoenix H.*, *supra*, 47 Cal.4th at p. 844.) Consequently, we dismiss the appeal.

PROCEDURAL AND FACTUAL SUMMARY

In August 2015, A.P.'s mother Carla filed a petition to declare A.P. free from father's custody and control based on abandonment pursuant to section 7822, subdivision (a). The petition alleged A.P. was born in July 2011 and father left her in Carla's care and custody in August 2012 and did not subsequently communicate or provide support. Carla indicated she had obtained custody orders and a restraining order against father in August 2012 and last saw him in August of that year. She did not know his current address or place of employment.

Family Court Services Investigator Kristi Embry interviewed Carla, Carla's fiancé Jose G., and A.P. When asked about her family, A.P. said she lived with her mom and dad, referring to Jose G. A.P. believed Jose G. was her father and was not aware she had any other father. Mother told Embry she and father lived together for about one year but

¹ All further statutory references are to the Family Code.

never married. They had only one child together, A.P. Father was in custody at the time of A.P.'s birth. She said father had an extensive history of drug use and had been violent with her on occasion. She ended the relationship when A.P. was six months old, obtained custody orders and a restraining order, which was in effect until 2017. She had not seen father since 2012 and he had not sent any cards, letters or gifts.

Mother also told Embry that father probably had not known where she lived until she filed the petition but that he would have been able to locate her because his sister had been in her home as recently as October 2015. In addition, he had her cell phone number at least until the middle of 2014, because he texted her saying he would help financially with A.P. He also contacted her through his sister's Facebook account. However, she said he contacted her to harass her and did not ask to see A.P.

Embry was unable to make contact with father. She sent a certified letter to him at the Lerdo Detention Facility in September 2015 but her letter was returned and marked "Unable to Forward." She sent a second certified letter to him approximately two weeks later in care of Wasco State Prison. The certified mail receipt was returned to Embry in October 2015, indicating that someone other than father signed for the letter.

Embry determined based on the information provided by Carla and the provisions of section 7822 that Carla established that father had abandoned A.P. and that it was in A.P.'s best interest to be freed from father's custody and control. Consequently, Embry recommended the court grant Carla's petition.

In November 2015, the court held a hearing on the petition and Carla testified there was a time in 2012 when she allowed A.P. to go with father. However, his mother called Carla and said father had been arrested. That was the last time A.P. saw him. The court found there was no bond established between father and A.P. and that father intended to abandon her for three years or more. The court found that section 7822 applied and granted Carla's petition.

This appeal ensued.

DISCUSSION

An appealed-from judgment or order is presumed correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) It is appellant's burden to raise claims of reversible error or other defect and present argument and authority on each point made. If appellant fails to do so, the appeal may be dismissed. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.)

Under section 7822, a court may declare a child free from a parent's custody and control if the parent has abandoned the child. Abandonment occurs when a parent has left the child in the care and custody of the other parent for a period of one year without any provision for the child's support or without communication from the parent, with the intent on the part of the parent to abandon the child. (§ 7822, subd. (a)(3).) Abandonment and intent are questions of fact for the trial judge. (*Adoption of Allison C.* (2008) 164 Cal.App.4th 1004, 1011.)

Here, the court found father abandoned A.P. within the meaning of section 7822, subdivision (a)(3) and father does not dispute the court's finding. Consequently, we dismiss the appeal.

DISPOSITION

This appeal is dismissed.